



AF/ JFW
1646/A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98-385-H)

PATENT

In re Application of: Hauptmann et al.)
)
Serial No.: 09/899,422)
)
Filed: July 3, 2001)
)
For: TNF Receptors, TNF Binding)
Proteins and DNAs Coding For Them)

Before the Examiner: E. O'Hara

Group Art Unit: 1646

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION MAILED JUNE 2, 2004

Responsive to the Office Action, mailed June 2, 2004, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks. Claims 1, 23, 41, 42, 45-48, and 50-53 are now pending in the instant application.

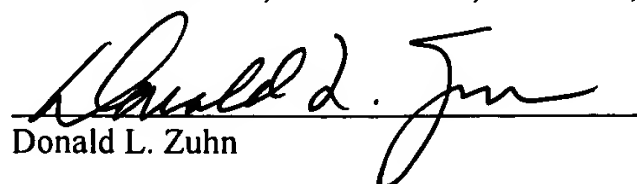
1. Rejection of claims 1, 23, 41, 42, 45-48, and 50-53 for obviousness-type double patenting

The Action maintains the rejection of claims 1, 23, 41, 42, 45-48, and 50-53 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 33 and 34 of U.S. Patent No. 6,271,346. Applicants file herewith a Terminal Disclaimer pursuant to the provisions of 37 C.F.R. §1.321(c), and respectfully submit that said Disclaimer overcomes the asserted ground of rejection. Withdrawal of this rejection is therefore respectfully solicited.

The Action also maintains the provisional rejection of claims 1, 23, 41, 42, 45-48, and 50-53 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 27-76 of copending U.S. Application No. 09/792,356. Applicants note that if the Terminal Disclaimer described above is deemed sufficient to overcome the double patenting rejection based on

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 23, 2004.


Donald L. Zuhn